

Attachment A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

JUL 15 2020

U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

RAYMOND Edward Gill

Your full name

STATE CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. § 1983

Kleeh/Aloi/Williams

v.

Civil Action No.: 1:20-CV-139

(To be assigned by the Clerk of Court)

BRYAN ANTONELLI, WARDEN

WEST VIRGINIA

STATE OF MARYLAND

DISTRICT OF COLUMBIA

Enter above the full name of defendant(s) in this action

I. JURISDICTION

This is a civil action brought pursuant to **42 U.S.C. § 1983**. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Your Name: Raymond Edward Gill

Inmate No.: 18059-037

Address: USP-HAZELTON, P.O. BOX 2000, BRUCESTON MILLS,
WV 26525

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

B. Name of Defendant: BRYAN ANTONELLI

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Position: WARDEN

Place of Employment: USP HAZELTON

Address: _____

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: illegal custody.
FALSE imprisonment, LOSS OF LIBERTY
VIOLATION OF 4th, 5th, 8th, 14th
AMENDMENT.

B.1 Name of Defendant: West Virginia

Position: state, USP HAZELTON

Place of Employment: _____

Address: _____

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: illegal custody.
False imprisonment, LOSS OF LIBERTY
VIOLATION OF 4th, 5th, 8th, 14th
AMENDMENT

B.2 Name of Defendant: State of Maryland

Position: state, Probation & Pretrial Services

Place of Employment: Baltimore, MD

Address: _____

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Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: illegal custody,
False imprisonment, Loss of Liberty,
Violation of 4th, 5th, 8th, 14th
Amendment

B.3 Name of Defendant: District of Columbia
Position: US Parole Commission
Place of Employment: Wash DC
Address: _____

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: illegal custody
False imprisonment, Loss of Liberty,
Violation of 4th, 5th, 8th, 14th
Amendment

B.4 Name of Defendant: N/A
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: N/A

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B.5 Name of Defendant: N/A
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: N/A

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/Institution: USP HAZELTON

A. Is this where the events concerning your complaint took place?
☐ Yes ☒ No

If you answered "NO," where did the events occur?

State of MD, District of Columbia, West VA

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☐ Yes ☒ No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure? ☐ Yes ☒ No

D. If your answer is "NO," explain why not NON-APPEAL decision
US PAROLE COMMISSION

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- _____

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 NI / 14

LEVEL 2 NI / 14

LEVEL 3 NI / 14

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☐ Yes ☒ No
- B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): NI / 14

Defendant(s): _____

2. Court: _____
(If federal court, name the district; if state court, name the county)

3. Case Number: NI / 14

4. Basic Claim Made/Issues Raised: _____

5. Name of Judge(s) to whom case was assigned: _____

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6. Disposition: _____
(For example, was the case dismissed? Appealed? Pending?)
7. Approximate date of filing lawsuit: _____
8. Approximate date of disposition. **ATTACH COPIES**
- C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B? ☐ Yes ☒ No
- D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.

 NON - APPEAL decision
 US Parole commission

- E. Did you exhaust available administrative remedies? ☐ Yes ☒ No
- F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.

 NON - APPEAL decision
 US Parole commission

- G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"

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1. Parties to previous lawsuit:

Plaintiff(s): NI / 14

Defendant(s): _____

2. Name and location of court and docket number:

3. Grounds for dismissal: ☐ frivolous ☐ malicious
☐ failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: NI / 14

5. Approximate date of disposition: _____

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN A SEPARATE CIVIL ACTION. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: See attached Brief pages 1 to 5

Supporting Facts: _____

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CLAIM 2: see attached Brief pages 1- to 5.

Supporting Facts: _____

CLAIM 3: NI / 14

Supporting Facts: _____

CLAIM 4: NI / 14

Supporting Facts: _____

CLAIM 5: NI / 14

Supporting Facts: _____

VI. INJURY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RAYMOND EDWARD GILL

v.

BRYAN ANTONELLI, Warden
West Virginia

State of Maryland

District of Columbia

STATE CIVIL RIGHTS COMPLAINT

FILED

PURSUANT TO 42 U.S.C. 1983

JUL 15 2020

U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

Civil Action No:

Comes now, petitioner Raymond Edward Gill who files this motion under "imminent danger serious physical injury. Due to the "CORONAVIRUS-19, in the Federal prisons and society. And the pandemic continue to spread through the prisons and America.

Petitioner argue that he is illegally being detained in Federal custody by the above defendants, in violation of the Fourth Amendment, and that he had been subject to the tort of False imprisonment and a loss of Liberty. IN violation of the 5th, 8th, 14th Amendment.

Petitioner argue that he was denied a Fair and timely Revocation Hearing, violating his due process of Law. Petitioner was taken into custody on September 6, 2013. And detainer placed July 9, 2015. Parole commission illegally resurrected a 1980, 15 year and 1985 20 year concurrent, and a 5 year consecutive sentence which was aggregated to 29 years.

Case Number K-81-017, B-86-0009, B-86-0011, B-86-0231. Petitioner argue that the above cases had Expired. Also the US Parole Commission closed the above cases. (See 28 U.S.C. 2241, Case NO. 5:17-CV-36).

Petitioner argue that the ONLY reason the US Parole Commission closed the cases, because the cases had Expired and Violated my due process of Law to a timely and Fair Parole Hearing (Revocation Hearing). Wherefore, under Federal Parole Rule 2.47 Warrant placed as a detainer and dispositional review.

Withdraw the Warrant and either order reinstatement of the parolee to Supervision upon release from confinement or "Close the case if the expiration date has passed. These's cases should not have been used to Enhance the petitioner to a "Career Offender —

OF 40 years case Number RDB-13-0577. (Constitutional False imprisonment). Petitioner argue these's sentences were "Aggregated to 29 years, starting date December 17, 1980 to August 10, 1986 to September 6, 2013, which added up to 33 years, Not counting EGT, SGT, "Good Time, AND Street Time (Old Law).

Petitioner argue that these's cases should have been off the books after 33 years. Now these's resurrected cases sighted by the US Parole Commission (District of Columbia) AND the Probation & Pretrial Services (Per) W. Scott Smith, Supervisory US Probation Office of Baltimore, Maryland.).

IN PSI- Report illegal sentence Gill to 40 years AS A career OFFENDER without my correct EGT, SGT, XGT, Good Time, AND Street Goodtime, Starting date OF 1980. (Which keeps Gill in False imprisonment).

These's PRIORS cannot stand and must be taken OFF the Record AS PRIORS, CONVICTION.

All OF this information was withheld From sentencing Judge AND PSI- Report.

Petitioner argue that his original Guidelines are 57-71 months. Thus FAR petitioner has done over his original Guidelines. (While petitioner remains in False imprisonment.

ON January 24, 2019 the 7th Circuit De'Angelo A. CROSS and Carl Leo DAVIS, 2018 U.S. APP. LEXIS 15-397-NOS-17-2282 + 17-2724 JUNE 7, 2018.

Mr. Gill is entitle to resentencing because under Johnson, the guidelines residual clause was UNCONSTITUTIONALLY Vague.

Unlike the advisory guidelines, the mandatory guidelines implicated the "TWIN CONCERNS OF the vagueness doctrine. Mr Gill is no longer a "career offender in CROSS AND DAVIS, because sentencing guidelines were mandatory UNCONSTITUTIONALLY Vague under Johnson V. United States 135, S-ct. 2551 (2015) Supreme Court decision. Beckels opinion applies only to the Guidelines AS they have been since 2005, Not Mr. Gill's 1980, 1985, 2001 Prior convictions.

Also Mr. Gill's 924 (C), Brandishing a Firearm during a Crime of Violence is unconstitutionally vague.

Wherefore, Mr. Gill's original guidelines are 57-71 months. Mr. Gill has done the mandatory guidelines and still being held illegally in Federal Custody.

IN light of the Supreme Court, AND APPEAL COURT decision. Therefore, if (A) the residual clause of the guidelines suffers from the same indeterminacy AND (B) the constitutional requirement of clarity applies to the "mandatory guidelines, then we must declare that clause void as well.

unlike the advisory guidelines the "mandatory guidelines implicated the "Twin" concerns of the vagueness doctrine. The same logic justifies treating Johnson as substantive, AND therefore retroactive, when applied to the mandatory guidelines.

Just as excising the residual clause from the ACCA changed the punishment associated with illegally carrying a Firearm, striking down the residual clause in the mandatory guidelines changes the sentencing range associated with Gill's bank robberies.

At the same time, it narrows the set of defendant punishable as career offender for the commission of any number of crimes. IN other words, Johnson has effectively changed Davis AND Cross substantive crime for sentencing purposes from Bank Robbery by a career offender to Simple-

BANK Robbery. Mr. Gill is entitle to relief From the career OFFENDER CLASSIFICATIONS, Based on the Supreme COURT decision in JOHNSON AND the 7th Circuit Delangelo A. CROSS AND CARL LEO DAVIS 2018 US APP. LEXIS 15-397-NOS 17-2282 AND 17-2724, JUNE 7, 2018.

Also petitioner is entitle to relief From False imprisonment AND loss of Liberty.

AND VIOLATION OF the 4th AMENDMENT AND 5th, 8th, AND 14th AMENDMENT.

(1) million in compensatory Damages

(1) million in punitive Damages

A total of (2) million Dollars in Damages.

I declare (or certify, verify or state)
under penalty of perjury that the foregoing
is true AND correct AND that this motion
under 42 U.S.C. 1983 was placed in the prison
mailing system ON July 13, 2020.

Date: July 13, 2020

Pro se

Raymond E. Gile

Attachment A

Describe **BRIEFLY** and **SPECIFICALLY** how you have been injured and the exact nature of your damages.

False imprisonment, loss of Liberty
Violation of 4th, 5th, 8th, 14th
Amendment.

VII. RELIEF

State **BRIEFLY** and **EXACTLY** what you want the Court to do for you.
Make no legal arguments. Cite no cases or statutes.

Entitled to resentenced, (Release From
Federal custody).
1-Million in compensatory Damages
1-Million in punitive Damages
A total of (2) million Dollars in Damages.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at USP HAZELTON on July 13, 2020.
(Location) (Date)

Raymond E. Gill
Your Signature

Attachment E

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RAYMOND EDWARD GILL

Your full name

v. Civil Action No.: _____

BRYAN ANTONICELLI, Warden

WEST VIRGINIA

State of MARYLAND

DISTRICT OF COLUMBIA

Enter above the full name of defendant(s) in this action

Certificate of Service

I, RAYMOND E. GILL (your name here), appearing *pro se*, hereby certify that

I have served the foregoing Defendants (title of document
being sent) upon the defendant(s) by depositing true copies of the same in the United States
mail, postage prepaid, upon the following counsel of record for the defendant(s) on

July 13, 2020 (insert date here):

(List name and address of counsel for defendant(s))

Raymond E. Gill
(sign your name)